IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 88 OF 1989.

Commissioner of Income-tax. ... Applicant.

V/s.

Smt.Bharati Dhirajlal Shah. ... Respondent.

A.N.Kotangale with D.A.Dubey i/b. K.C.Sidhwa
for the applicant.

Sanjiv M. Shah i/b. N.R.Mody for the respondent.

CORAM : V.C.DAGA AND A.S.AGUIAR, JJ.

DATED : 20th July 2005.

P.C. :

. By this reference under section 256(1) of the Income-tax Act, 1961, the Income Tax Appellate Tribunal has referred the following question of law for the opinion of this Court:

> "Whether, on the facts and in the circumstances of the case, the Tribunal was right in holding that capital gains arising on the sale of agricultural land is not chargeable to income-tax under the Income-tax Act?"

4. For the reasons recorded by us in our judgment dated 1st July, 2005 passed in Income-Tax

Reference No.397 of 1988 (**C.I.T. v. M/s.Pithwa Engg.Works**); wherein we have relied upon decision of this court in the case of **C.I.T. v. Camco Colour Co.** (2002) 254 ITR 565, we do not think it necessary to answer the reference made to this Court for the assessment year 1972-73, having negligible tax effect. Accordingly, reference stands returned unanswered with no order as to costs.

(A.S.AGUIAR, J.) **(V.C.DAGA, J.)**